

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CIVIL ACTION NO. G-08-253
	§	
DANIEL H. CHARLES, ET AL.	§	

**REPORT AND RECOMMENDATION**

This matter is before the Court, by referral from the Honorable Kenneth M. Hoyt, United States District Judge. Following entry of Final Judgment in its favor, Plaintiff, United States of America, on August 23, 2010, filed its “Motion for Order of Foreclosure Sale and to Vacate.” On that same day, this Court ordered that any responses to the Motion by the Defendants were to be filed by September 13, 2010. On August 25, 2010, the Defendant, Matagorda County Tax Assessor/Collector, filed its Notice of no opposition to the United States’ Motion. Defendant, Daniel H. Charles, to date has filed no response whatsoever.

Pursuant to Local Rule 7.4, the failure to respond to a Motion is taken as a representation of no opposition. In the absence of a response from Charles, it appears that he concedes the United States is entitled to relief.

It is, therefore, the **RECOMMENDATION** of this Court that “Motion for Order of Foreclosure Sale and to Vacate” (Instrument no. 43) of Plaintiff, United States of America, be **GRANTED** and that an appropriate Order be issued by the District Court.

The Clerk **SHALL** send a copy of this Report and Recommendation to the Parties who **SHALL** have until **October 15, 2010**, to have written objections, filed pursuant to 28 U.S.C. §636(b)(1)(C), in the Office of the Clerk. The Objections **SHALL** be electronically filed and/or mailed to the Clerk's Office at P.O. Drawer 2300, Galveston, Texas 77553. Failure to file written objections within the prescribed time **SHALL** bar any Party from attacking on appeal the factual findings and legal conclusions accepted by the District Judge, except upon grounds of plain error.

**DONE** at Galveston, Texas, this 27th day of September, 2010.

  
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John R. Froeschner  
United States Magistrate Judge